

Message Text

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44

ACTION OES-04

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 EB-07 COME-00 MC-02 ACDA-05 FEAE-00 /077 W

----- 012301

R 081744Z SEP 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 2695

NRC BETHESDA

INFO USMISSION EC BRUSSELS

ERDA GERMANTOWN

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 14621

NRC FOR LAFLEUR

E. O. 11652: N/A

TAGS: TECH, GW

SUBJECT: SIGNING OF NRC/FMI ARRANGEMENT FOR NUCLEAR
FACILITIES SAFETY COOPERATION

REF: A. STATE 211653, B. LAFLEUR-MCCLELLAND TELCONS

1. SUMMARY: EMBASSY AND GERMAN OFFICIALS WELCOME VISIT
BY COMMISSIONER KENNEDY ON SEPTEMBER 30 AND OCTOBER 1.
FRG INTERIOR MINISTRY OFFICIALS ARE CONFIDENT THAT
SUBJECT ARRANGEMENT CAN BE SIGNED ON OCTOBER 1 AND ARE
WILLING TO WORK URGENTLY TOWARD THAT END. FRG REPS WILL
COMPARE THEIR CURRENT DRAFT PATENT ADDENDUM (CABLED
LAST WEEK TO FRG EMBASSY) WITH PARA 4, REF A, AND
RESPOND ASAP. PROTECTION OF SENSITIVE AND PROPRIETARY
INFORMATION CLEARLY CONTINUES SERIOUSLY TO CONCERN
FRG OFFICIALS. THEY PROMISED CONSIDER NRC
ASSURANCES GIVEN PARA 5, REF A, AND RESPOND ASAP.
EMBASSY DOES NOT RPT NOT, HOWEVER, BELIEVE THAT THIS
CONTINUING CONCERN WILL PREVENT SIGNING OF AGREEMENT
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ON OCTOBER 1. EMBASSY WILL OBTAIN CURRENT ENGLISH

AND GERMAN TEXTS ASAP.

ACTION REQUESTED: NRC RESPONSE TO EMBASSY SUGGESTION
IN PARA 7, NRC VIEWS ABOUT FRG DRAFT PATENT
ADDENDUM, ETA AND ETD FOR KENNEDY PARTY.
END SUMMARY

2. EMBASSY DISCUSSED SUBSTANCE REFTEL WITH APPROPRIATE
OFFICIALS FROM FRG MINISTRIES FOR RESEARCH AND
TECHNOLOGY (BMFT) AND OF THE INTERIOR (BMI).

3. HERR SAHL AND HIS STAFF AT BMI WERE QUITE
OPTIMISTIC ABOUT POSSIBILITY OF SIGNING NRC-BMI
"ARRANGEMENT FOR NUCLEAR FACILITIES SAFETY COOPERATION"
DURING COMMISSIONER KENNEDY'S VISIT TO FRG ON
OCTOBER 1, 1975. SAHL REPORTED THAT BMI CABLED ITS
PROPOSAL FOR THE PATENT ADDENDUM TO GERMAN EMBASSY IN
WASHINGTON ABOUT ONE WEEK AGO. THIS PROPOSED TEXT WAS
DEVELOPED AFTER EXTENSIVE DISCUSSIONS BETWEEN BMI AND
FRG MINISTRY OF JUSTICE. EMBOFFS PRESENTED ALTERNATIVE
PATENT ADDENDUM CONTAINED PARA 4, REF. A. BMI OFFICIALS
PROMISED TO COMPARE THESE TWO PROPOSALS ASAP. THEY
SUGGESTED NRC SIMILARLY REVIEW THEIR LATEST, SOMEWHAT
MORE COMPLEX, TEXT ON EQUALLY URGENT BASIS. NEGOTIATIONS
ON THIS POINT COULD THEN BE COMPLETED EITHER IN WASHING-
TON OR IN BONN.

4. EMBOFFS PRESENTED NRC ASSURANCES (PARA 5, REF A)
TO BMI OFFICIALS AS "NON-PAPER." BMI REPS READ
ASSURANCES WITH INTEREST NOTING -- AND ACCEPTING --
THE PARA 5C OBSERVATION THAT BOTH GOVERNMENTS WERE
OBLIGATED TO SOLVE THIS PROBLEM IN THE INTERESTS OF
THEIR PEOPLE. THE MINISTRY WILL CONSIDER THIS QUESTION
FURTHER AND DISCUSS WITH US THE MOST EFFECTIVE FORMAL
PRESENTATION OF THESE ASSURANCES. SAHL REVEALED
THAT HE IS STILL UNDER GREAT PRESSURE FROM THE GERMAN
NUCLEAR INDUSTRY TO PROVIDE ABSOLUTE PROTECTION FOR
THEIR PROPRIETARY DATA.

5. SAHL ALSO EXPLAINED THAT HE HAS HEARD THAT
EXTENSIVE LISTS HAVE BEEN PREPARED
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DETAILED DATA TO BE REQUESTED FROM THE FRG AS SOON
AS THE "ARRANGEMENT" IS SIGNED. THESE RUMORS CONCERN
HIM BECAUSE BMI DOES NOT HAVE A SECRETARIAT ADEQUATE
TO PROCESS THIS INFORMATION FOR RELEASE, BECAUSE
SOME OF THESE ALLEGED PENDING REQUESTS MIGHT INVOLVE
DETAILED PROPRIETARY DATA (I.E. GERMAN CONTAINMENT
PHILOSOPHY) AND BECAUSE THE VOLUME OF DATA ALLEGEDLY
TO BE REQUESTED COULD INCREASE THE RISK OF COMPROMISE

IN VIOLATION OF THE GERMAN GOVERNMENT'S COMMITMENT TO
ITS INDUSTRIES.

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INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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R 081744Z SEP 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 2696

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6. EMBASSY COMMENT: THESE DISCUSSIONS CONFIRMED AGAIN
THE VERY GREAT AND APPARENTLY SINCERE GERMAN CONCERN
THAT THE US FREEDOM OF INFORMATION ACT WOULD MAKE IT
IMPOSSIBLE FOR THE USG TO GUARANTEE TO PROTECT
SENSITIVE GERMAN PROPRIETARY DATA. FURTHERMORE, SAHL
REVERTED AGAIN -- IN SPECULATIVE FASHION -- TO FEARS
THAT THE USE OF SENSITIVE DATA BY NRC EXPERT COMMITTEES
WITH INDUSTRIAL REPRESENTATION AND BY CONTRACTOR
PERSONNEL COULD RESULT IN THE INADVERTENT RELEASE OF
GERMAN PROPRIETARY DATA TO US INDUSTRY. EMBOFFS URGED
THAT FRG NEVERTHELESS ACCEPT NRC ASSURANCES AND
SIGN AGREEMENT ON OCTOBER L. WE EMPHASIZED THAT
DETAILED PROCEDURES WOULD BE DEVELOPED AND THAT THE

FLOW OF TRULY SENSITIVE DATA COULD AND WOULD BE
CONTROLLED IN ACCORDANCE WITH THESE SPECIFIC PROCEDURES
FOR IMPLEMENTATION OF THE "ARRANGEMENT."

7. RE PARA 6, REF A: HERR SEIPEL, BMFT, WHO IS GERMAN
COORDINATOR OF THE AEC-BMFT ARRANGMENT FOR COOPERATION
IN THE FIELD OF RESEARCH AND DEVELOPMENT ON REACTOR
SAFETY, EXPLAINED THAT HE HAS DISCUSSED
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AN EXTENSION OF THIS "ARRANGEMENT" TO INCLUDE
LMFBR AND HTGCR SAFETY RESEARCH WITH BOTH DR. KOUTS
(NRC) AND DR. NEMZEK (ERDA). IN SEIPEL'S VIEW, THE
ARRANGEMENT INCLUDES A PROVISION FOR SUCH EXPANSION,
AS AGREED. HE BELIEVES THAT THE USG SHOULD
TAKE THE INITIATIVE IN MAKING AN
APPROPRIATE PROPOSAL BECAUSE TWO US AGENCIES (NRC AND
ERDA) ARE INVOLVED, WHILE ONLY THE BMFT IS RESPONSIBLE
FOR RELEVANT R&D ON THE GERMAN SIDE. SEIPEL SUGGESTS
THAT COMMISSIONER KENNEDY'S VISIT COULD BE AN
APPROPRIATE OCCASION FOR SUCH A PROPOSAL, WHICH SHOULD
DEFINE THE RESPECTIVE RESPONSIBILITIES OF THE NRC AND
ERDA AND ESTABLISH A MECHANISM FOR INSURING THAT ALL
RELEVANT USG-SUPPORTED R&D ON SAFETY OF LMFBR AND
HTGCR POWER PLANTS WOULD BE EXCHANGED WITH THE FRG/BMFT.
PLEASE NOTE THAT THE EXTENSION OF THIS PRESENT
REACTOR SAFETY R&D COOPERATIVE ARRANGEMENT WOULD
PRESUMABLY REQUIRE THE PREPARATION OF ADDITIONAL
APPENDICES, AS PROVIDED IN PARAGRAPH 2 OF THE

"R&D ARRANGEMENT." EMBASSY SUGGESTS THAT DISCUSSIONS
OF THIS POINT (PARA 6, REF A) WOULD BE MOST PRODUCTIVE
IF COMMISSIONER KENNEDY WERE PREPARED TO TABLE THE
FIRST NRC-ERDA DRAFT OF A PROPOSED APPENDIX COVERING
US-FRG COOPERATION IN LMFBR AND HTGCR SAFETY RESEARCH.

8. ONE DOUBLE AND ONE SINGLE RESERVED HOTEL TULPENFELD
FOR NIGHT OF SEPTEMBER 30. HILLENBRAND

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